

COMMISSION ON COMMON OWNERSHIP COMMUNITIES  
 Minutes of the Monthly Meeting  
Via Zoom Audio-Visual Conference  
**Wednesday January 5, 2022 (CORRECTED)**

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:02 pm by Commission Chair Mark Fine.

**Commissioners present:** [14] ANDERSON, BENNETT, GELFOUND, FINE, HERRON, HOLMES, MOORE, MURTHY, MYO KHIN, NERLINGER, SEEBOLD, SMITH, STEINBACH, AND WALKER.

**Commissioners absent:** None (one Vacancy)

**Staff present** WALTER WILSON, ESQ. ASSOCIATE COUNTY ATTORNEY; Staff: IFE FABAYO, INVESTIGATOR, OCOC, FRANK DEMARAIS, DEPUTY DIRECTOR, DHCA, Mark Anders, Esq. INVESTIGATOR, OCOC.

**Guests:** Panel Chairs, Jeffrey Hamberger, Esq., Rene Sandler, Esq., Shuaa Tajammul, Esq. EX-OFFICIO RAND FISHBEIN, PhD, Glen McEwen, Ephraim, James Nickelsporn, John Camp, Wayne Johnson, Shery Hessler, Frank Luncheon, Leslie Brown Esq., Jacquelyn Roberts, Carol Liscinsky, Patricia Martin, Merle Berg, Mary Dolbashian, Barry Jackson, Fadi Ashy, Shirley Steinbach, Esq. Jo Bilanin , AJ Campbell, Nikoleta Ilic, Jose Canto Greenfield, Kurt Denchfield, Kristen Nelson, SERGIO BAZOBERRY, Alex Hekimian, Alanassoc., Jim Cagley, Esq., Marek Kotelba, Noel Salinger, Harshini DINESDURAGE Fernando, Patrick Cook, craig leavers, Emilia Rodriguez-Stein, Jim Hirabayashi, Shannon Connolly, Magally Popovic

1. **Approval of Minutes:** Commissioner Smith moved to approve the minutes of December 2021 monthly meeting. Commissioner Bennett/Holmes seconding. There was no discussion. All voted in favor and the motion carried.
2. **Community Forum: There were no questions from the audience during open forum.**
3. **Chairman's Report:** In the package
  - a) The Chairman gave his final Address for his term, and again thanked the Commissioners, staff, county officials and the members of the Common Ownership Community for their support during his term of office with the Commission (Farewell Address was attached.).
  - b) The Chair gave a synopsis of the achievements of the Commission through the volunteer efforts of the Commissioners with the help of Montgomery County. He again thanked everyone for their cooperation during the events of the past 2 years and it appeared that we will be virtual for the next foreseeable future.
  - c) The Chair requested that the Commission ratify his recommendations for Panel Chairs and Mediators for the coming year. \*Note prior to the close of the meeting, Under new business, John Smith moved to appoint Mark Fine as a panel Chair effective February 1, 2022. Terry Anderson Seconded the motion and it was carried. The document presented will be amended and represented in Feb.

- d) Unit Owners in Common Ownership Communities Bill of Rights. After lengthy discussion, the Chair motioned to approve the document, with the next Chair establishing a committee to “fine tune” it. Commissioner Smith seconded. The motion passes 10/4 with Commissioners Murthy, Nerlinger, Seebold, and Steinbach voting to oppose the motion.
- e) The Chair then presented the “work in progress” document entitled “The Reference Guide to filing a complaint with the Montgomery County Commission on Common Ownership Communities”. This document was planned to assist the complainant in the complaint process from beginning to end. His hope was the commission would continue the crafting of the document.
- f) Discussion of the Dispute Resolution Process and Timeline procedures and that the Commissioners needed to review and give their feedback to the Executive Committee.

#### 4. Submission of disputes for Commission consideration: Jurisdiction – Default cases:

- a) **#2022-041, Longmead Crossing CSA v. McRinina Deshield – Commissioner Anderson** moved **Accept Jurisdiction of the case** and **Commissioner Smith** seconded the motion. **The motion was carried by the Commission**, by unanimous consent.
- b) **#2022-033, Edinburgh Village HOA v. Maria & Luis Gonzalez- Commissioner Smith** moved to **Accept Jurisdiction of the case**, and **Commissioner Anderson** seconded the motion. **The motion was carried by the Commission**, by unanimous consent.

#### 5. Jurisdiction - Contested cases:

- a. **#2021-077, Marie Zaker v. CUO of Mutual 19-A-Condominium of Roosmoor, Inc. - Commissioner Gelfound** moved **Deny Jurisdiction of the case** and **Commissioner Anderson** seconded the motion. After Discussion, **the motion was carried by the Commission**, by a vote of **13/0/1**, with the Chair Recusing\*.
- b. **#2021-059, Carol Liscinsky v. Potomac Farms Homeowners Association. - Commissioner Holmes** moved **Accept Jurisdiction of the case** and **Commissioner Anderson** seconded the motion. After Discussion, **the motion was carried by the Commission**, by a vote of **12/0/2**, with the Chair and Commissioner Steinbach Recusing\*.
- c. **#2022-031, Mary Dolbashian v. Kenwood Place Condominium- Commissioner Smith** moved **Accept Jurisdiction of the case** and **Commissioner Walker** seconded the motion. After Discussion, **the motion was carried by the Commission**, by a vote of **12/0/2**, with the Chair and Commissioner Steinbach Recusing\*.
- d. **#2020-083, Clarksburg Village Community Association, Inc. v. Venkata Yella Et. Al- Commissioner Gelfound** moved **Deny Jurisdiction of the case** and **Commissioner Bennett** seconded the motion. After Discussion, **the motion was carried by the Commission**, by a vote of **13/0/1**, with the Chair Recusing\*.
- e. **#2022-005, Harshini Dinesdura Fernando v. The Milestone Homeowners Association. Inc. - Commissioner Anderson** moved **Accept Jurisdiction of the case** and **Commissioners Murthy and Gelfound** seconded the motion. After Discussion, **the motion was carried by the Commission**, by a vote of **13/0/1**, with the Commissioner Steinbach Recusing\*.
- f. **#2022-037, Jose Z. Canto Greenfield v. Parker Farm HOA- Commissioner Holmes** moved **Accept Jurisdiction of the case** and **Commissioners Walker** seconded the motion. After Discussion, **the motion was carried by the Commission**, by a vote of **11/2/1**, with the

Commissioner's Gelfound and Bennett voting for denial and Commissioner Steinbach Recusing\*.

- g. **#2022-017, Longmead Crossing CSA v Javier Canales Et Al.- Commissioner Gelfound moved to **Accept Jurisdiction of the case**, and **Commissioner Murthy** seconded the motion. After Discussion, **the motion was carried by the Commission**, by unanimous consent.**
- h. **#2020-091, Greencastle Lakes v. Mala & Biprodas Dutta -After presentation and lengthy discussion, the case was tabled until later in the meeting.**
- i. **#2022-039, A.J. Campbell v. The Roanoke Condos, LLC. - Commissioner Gelfound moved **Deny Jurisdiction of the case** and **Commissioners Smith** seconded the motion. After Discussion, **the motion was carried by the Commission**, by a vote of **13/0/1**, with the Chair Recusing\*.**
- j. **#2021-098, Camp v. Americana Centre Condominium, Inc. - Commissioner Steinbach moved **Accept Jurisdiction of the case** and **Commissioners Smith** seconded the motion. After Discussion, **the motion was carried by the Commission**, by a vote of **10/0/4**, with the Chair and Commissioner Anderson Recusing\* and well as Commissioners Gelfound \*\* and Bennett\*\* recusing.**
- k. **#2022-002, Americana Centre Condominium, Inc. v Camp - Commissioner Steinbach moved **Accept Jurisdiction of the case** and **Commissioners Smith** seconded the motion. After Discussion, **the motion was carried by the Commission**, by a vote of **10/0/4**, with the Chair and Commissioner Anderson Recusing\* and well as Commissioners Gelfound \*\* and Bennett\*\* recusing.**
- l. **#2022-004, Poyourow v. Promenade Towers Mutual Housing Corporation - Commissioner Gelfound moved **Deny Jurisdiction of the case** and **Commissioners Anderson** seconded the motion. After Discussion, **the motion was carried by the Commission**, by a vote of **12/0/2**, with the Chair Recusing\* and well as Commissioners Steinbach\*\* recusing.**
- m. **#2022-036, Martin, et al. v. King Farm Citizens Assembly.- Commissioner Smith moved **Accept Jurisdiction of the case** and **Commissioners Nerlinger** seconded the motion. After Discussion, **the motion was denied by the Commission**, by a vote of **2/11/1**, with the Chair and Recusing\*.**
- n. **#2020-091, Greencastle Lakes v. Mala & Biprodas Dutta - Commissioner Fine moved **Accept Jurisdiction of the case** and **Commissioners Walker** seconded the motion. After Discussion, **the motion was carried by the Commission**, by a vote of **8/6/0**. **Motion is to accept jurisdiction and to hold the case until the May 2022 meeting, respondent must complete all 14 items in the document of Jan 5, 2022 (Case summary) or case is presented to Commission for dismissal.****

(note= \* recusal due to being mediator, \*\*recuse due to conflict)

- 6. Decisions and orders issued- In packet
  - a. **#2021-053, Otto v. Kenwood Place Condominium**
- 7. Decisions and Orders on Appeal (in Circuit Court for Montgomery, MD) in packet
  - a. **#2021-004, O'Neill v. 8101 Connecticut Avenue Condominium (Order pending)**
  - b. **#2021-042, King Farm Citizens Assembly v. Siguel (Petition for Judicial Review filed on August 24, 2021)**

8. **County Attorney's report** none
9. **DHCA status report:** none
10. **Committee reports:**
  - a. **Education Outreach Committee** – None
  - b. **Executive Committee** – None
11. Old Business: None
12. New Business:
  - a. Election- After voting Cheryl Walker was elected Chairwoman, and John Smith was elected Vice Chair, for 2022 effective February 1, 2022.
  - b. John Smith moved to appoint Mark Fine as a panel Chair effective February 1, 2022. Terry Anderson Seconded the motion and it was carried. The document presented will be amended and represented in Feb.
13. **Adjournment: Commissioner Gelfound** moved to **adjourn the meeting; Commissioner Anderson** seconded the motion. All in favor. Meeting adjourned at 10:11 pm.

**THE NEXT MONTHLY MEETING WILL BE ON February 2, 2022**

**Zoom invitations have been sent**